

April 25, 2025

Louisiana State Capitol  
Attn: House Commerce Committee  
900 North Third Street  
Baton Rouge, LA 70804

## **Re: HB 570 – "Provides relative to minors use of applications." (Oppose)**

Dear Chair Deshotel and Members of the House Commerce Committee:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose HB 570 in advance of the House Commerce Committee hearing on April 28, 2025. CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.<sup>1</sup> Proposed regulations on the interstate provision of digital services therefore can have a significant impact on CCIA members.

CCIA firmly believes that children are entitled to greater security and privacy online. Our members have designed and developed settings and parental tools to individually tailor younger users' online use to their developmental needs. For example, various services allow parents to set time limits, provide enhanced privacy protections by default for known child users, and other tools allow parents to block specific sites entirely.<sup>2</sup> This is also why CCIA supports implementing digital citizenship curricula in schools, to not only educate children on proper social media use but also help teach parents how they can use existing mechanisms and tools to protect their children as they see fit.<sup>3</sup>

The proposed age verification and parental consent requirements for covered application store providers and developers raise significant concerns. The bill risks subjecting businesses to vague compliance requirements and arbitrary enforcement, while jeopardizing consumer privacy and violating minors' free speech rights. We appreciate the opportunity to expand on these concerns as the Committee considers this proposal.

### **Federal courts have recently held that laws requiring age verification and parental consent for social media violate the First and Fourteenth Amendments.**

Recent state legislation requiring parental controls for social media sites has faced numerous constitutional challenges. Federal courts in Arkansas<sup>4</sup> and Ohio<sup>5</sup> have just held that such laws

<sup>1</sup> For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.ccianet.org/members>.

<sup>2</sup> Competitive Enterprise Institute, *Children Online Safety Tools*, <https://cei.org/children-online-safety-tools/> (last updated Feb. 19, 2025).

<sup>3</sup> Jordan Rodell, *Why Implementing Education is a Logical Starting Point for Children's Safety Online*, Disruptive Competition Project (Feb. 7, 2023), <https://project-disco.org/privacy/020723-why-implementing-education-is-a-logical-starting-point-for-childrens-safety-online/>.

<sup>4</sup> *NetChoice v. Griffin*, No. 23-cv-05105, 2025 WL 978607 (W.D. Ark. Mar. 31, 2025).

<sup>5</sup> *NetChoice v. Yost*, No. 2:24-cv-00047, 2025 WL 1137485 (S.D. Ohio Apr. 16, 2025).

violate both the First Amendment’s guarantee of free speech and the Fourteenth Amendment’s prohibition on vague laws. The Ohio law was found unconstitutionally vague in part because it determined which services were regulated based on whether they are “reasonably anticipated to be accessed by children,”<sup>6</sup> much as Section 1771(6) of this bill does.

Federal courts have also invalidated their states’ age verification and parental consent laws for being “content-based restriction[s] on speech that [are] not narrowly tailored to serve a compelling government interest.”<sup>7</sup> The Ohio court held that “governments lack the power to prevent children from hearing or saying anything without their parents’ prior consent,”<sup>8</sup> and that making “minors’ ability to contribute or access a wide array of protected First Amendment activity on any number of diverse topics... contingent on securing parental consent” is “an impermissible curtailment of their First Amendment rights.”<sup>9</sup>

Numerous other federal judges have placed similar laws on hold until challenges can be fully reviewed, including in California, Mississippi, Tennessee, Texas, and Utah.<sup>10</sup> In California, for instance, the Ninth Circuit recently issued a temporary stay against a state law with many similar provisions<sup>11</sup> after the District Court found the law to be “content-based on its face”<sup>12</sup> and to “likely fail strict scrutiny.”<sup>13</sup> CCIA therefore recommends that lawmakers avoid burdening businesses with legislation that risks being invalidated and passing on expensive litigation costs to taxpayers.

## Requirements under HB 570 are not administrable or well defined, creating serious compliance questions for businesses and users.

HB 570 would also impose burdensome recurring obligations to notify users and obtain “renewed verifiable” consent over any so-called “significant change” to an application’s terms of service or privacy policy, circularly defined as a “material modification” that “[m]aterially changes the application’s functionality or user experience[,]” with no objective criteria for businesses to know what constitutes a “material[] change.”

Furthermore, age verification bills carry inherent compliance difficulties. Requiring companies to collect more user data even as other states require collecting less data places businesses in the untenable position of picking which state laws to comply with, and which to unintentionally violate.<sup>14</sup>

<sup>6</sup> *Id.* at \*3.

<sup>7</sup> *Griffin* at \*14; *see also Yost* at \*20.

<sup>8</sup> *Yost* at \*20 (internal quotation marks omitted).

<sup>9</sup> *Id.* at \*15 (internal quotation marks omitted).

<sup>10</sup> See, e.g., *NetChoice v. Bonta*, No. 24-cv-07885, 2025 WL 28610 (N.D. Cal. Jan. 2, 2025); *NetChoice v. Bonta*, No. 22-cv-08861, 2024 WL 5264045 (N.D. Cal. Dec. 31, 2024); *NetChoice v. Reyes*, No. 23-cv-00911, 2024 WL 4135626 (D. Utah Sept. 10, 2024); *NetChoice v. Fitch*, No. 24-cv-00170, 2024 WL 3276409 (S.D. Miss. July 1, 2024); *Comput. & Commc’ns Indus. Ass’n et al. v. Paxton*, 747 F. Supp. 3d 1011 (W.D. Tex. 2024).

<sup>11</sup> *NetChoice v. Bonta*, No. 24-cv-07885 (9th Cir. Jan. 28, 2025) (order granting motion for injunctive relief).

<sup>12</sup> *NetChoice v. Bonta*, No. 22-cv-08861, 2025 WL 807961, at \*6 (N.D. Cal. Mar. 13, 2025).

<sup>13</sup> *Id.* at \*14.

<sup>14</sup> Caitlin Dewey, *California’s New Child Privacy Law Could Become National Standard*, The Pew Charitable Trusts (Nov. 7, 2022), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2022/11/07/californias-new-child-privacy-law-could-become-national-standard>.

## Currently available age assessment tools estimate users' ages imperfectly and raise significant privacy concerns.

Every approach to age determination presents trade-offs between accuracy and privacy<sup>15</sup>—in addition to significant costs, especially for startups<sup>16</sup>—and there is no one-size-fits-all approach. Different services consider various factors, including but not limited to their user base, the service offered, risk calculation, privacy expectations, and economic feasibility. A recent Digital Trust & Safety Partnership (DTSP) report, *Age Assurance: Guiding Principles and Best Practices*, contains guiding principles for age assurance and discusses how digital services have used such principles to develop best practices.<sup>17</sup>

The National Institute of Standards and Technology (NIST) recently published a report evaluating six software-based age estimation and age verification tools that estimate a person's age based on the physical characteristics evident in a photo of their face.<sup>18</sup> The report notes that facial age estimation accuracy is strongly influenced by algorithm, sex, image quality, region-of-birth, age itself, and interactions between those factors, with false positive rates varying across demographics, generally being higher in women compared to men. CCIA encourages lawmakers to consider the current technological limitations in providing reliably accurate age estimation tools across all demographic groups.

The proposed bill suggests imposing a government-mandated requirement to verify all Louisiana users' ages that conflicts with data minimization principles ingrained in standard federal and international privacy and data protection compliance practices.<sup>19</sup> Determining a user's age and verifying parental consent inherently requires collecting additional sensitive data from those users, and any document capable of verifying a user's age will likely contain sensitive information. Such excessive monitoring has been shown to negatively affect young people's mental health and development.<sup>20</sup>

The Commission Nationale de l'Informatique et des Libertés (CNIL) analyzed several existing online age verification solutions but found that none of these options could satisfactorily meet three key standards: 1) providing sufficiently reliable verification; 2) allowing for complete coverage of the population; and 3) respecting the protection of individuals' data, privacy, and

<sup>15</sup> Kate Ruane, *CDT Files Brief in Netchoice v. Bonta Highlighting Age Verification Technology Risks* (Feb. 10, 2025), <https://cdt.org/insights/cdt-files-brief-in-netchoice-v-bonta-highlighting-age-verification-technology-risks/>.

<sup>16</sup> Engine, *More than just a number: How determining user age impacts startups* (Feb. 2024), <https://static1.squarespace.com/static/571681753c44d835a440c8b5/t/65d51f0b0d4f007b71fe2ba6/1708465932202/Engine+-+More+Than+Just+A+Number.pdf>.

<sup>17</sup> *Age Assurance: Guiding Principles and Best Practices*, Digital Trust & Safety Partnership (Sept. 2023), [https://dtspartnership.org/wp-content/uploads/2023/09/DTSP\\_Age-Assurance-Best-Practices.pdf](https://dtspartnership.org/wp-content/uploads/2023/09/DTSP_Age-Assurance-Best-Practices.pdf).

<sup>18</sup> Kayee Hanaoka et al., *Face Analysis Technology Evaluation: Age Estimation and Verification* (NIST IR 8525), National Institute of Standards & Technology (May 30, 2024), <https://doi.org/10.6028/NIST.IR.8525>.

<sup>19</sup> See, e.g., *Fair Information Practice Principles (FIPPs)*, Fed. Privacy Council, <https://www.fpc.gov/resources/fipps/>; see also *Principle (c): Data Minimisation*, U.K. Info. Comm'r Off., <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/data-protection-principles/a-guide-to-the-data-protection-principles/data-minimisation/>.

<sup>20</sup> See, e.g., Hannah Quay-de la Valle, *The Chilling Effect of Student Monitoring: Disproportionate Impacts and Mental Health Risks*, Ctr. for Democracy & Tech. (May 5, 2022), <https://cdt.org/insights/the-chilling-effect-of-student-monitoring-disproportionate-impacts-and-mental-health-risks/> (finding that “Monitoring programs, if not carefully implemented, can stifle growth and leave students vulnerable to the chilling effect, placing their mental health at risk”).

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security.<sup>21</sup> Though the intention to keep kids safe online is commendable, this bill undermines that initiative by requiring more data collection about young people.

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We appreciate the Committee's consideration of these comments and stand ready to provide additional information as the Legislature considers proposals related to technology policy.

Sincerely,

Tom Mann  
State Policy Manager, South  
Computer & Communications Industry Association

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<sup>21</sup> *Online Age Verification: Balancing Privacy and the Protection of Minors*, CNIL (Sept. 22, 2022), <https://www.cnil.fr/en/online-age-verification-balancing-privacy-and-protection-minors>.